

**R277. Education, Administration.**

**R277-469. Instructional Materials Commission Operating Procedures.**

**R277-469-[2]1. Authority and Purpose.**

~~[A-](1)~~ This rule is authorized ~~[under]~~ by:

(a) Utah Constitutional Article X, Section 3, which vests general control and supervision over public education in the Board~~[-by]~~;

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Section 53A-14-101, which directs the Board to appoint an Instructional Materials Commission and directs the Commission to evaluate instructional materials for recommendation by the Board~~[-by]~~; and

(d) Section 53A-14-107, which directs the Board to make rules that establish the qualifications of the independent parties who may evaluate and map the alignment of the primary instructional materials and requirements for the detailed summary of the evaluation ~~[and its placement on a public website, and by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities]~~.

~~[B-](2)~~ The purpose of this rule is to:

(a) provide definitions, operating procedures and criteria for recommending instructional materials for use in Utah public schools~~[-]~~;

(b) ~~[The rule also]~~ provide~~[s]~~ for mapping and alignment of primary instructional materials to the Core consistent with Utah law~~[-]~~; and

(c) provide rules for purchase and distribution of instructional materials within the state.

**R277-469-[4]2. Definitions.**

~~[A. "Advanced placement materials" means materials used for the College Board Advanced Placement Program and classes. The program policies are determined by representatives of member institutions. Operational services are provided by the Educational Testing Service. The program provides practical descriptions of college-level courses to interested schools and student test results based on these courses to colleges~~

~~of the student's choice. Participating colleges grant credit or appropriate placement, or both, to students whose test results meet standards prescribed by the college.~~

~~—— B. “Basic skills course” means a subject which requires mastery of specific functions to include reading, language arts, mathematics through geometry, science, in grades 4 through 12, and effectiveness of written expression.~~

~~—— C. “Board” means the Utah State Board of Education.]~~

~~[D.](1) “Commission” means the Instructional Materials Commission established in accordance with Section 53A-14-101.~~

~~(2) “Core” means the core standards adopted by the Board in R277-700.~~

~~[E.](3) “Curriculum alignment” means the assurance that the material taught in a course or grade level matches the standards, ~~[objectives]~~ and assessments set by the state ~~[or school district]~~ for specific courses or grade levels.~~

~~(4) “Depository” means a business dedicated to storing and distributing resources or materials in sufficient quantities to insure rapid and efficient delivery to ~~[patrons]~~ LEAs.~~

~~[F. “Curriculum map” means a visual representation listing topics in the instructional materials that are correlated to the standards, objectives and indicators of the Utah Core.]~~

~~[G.](5)(a) “Instructional materials” means systematically arranged content in text, digital, Braille and large print, ~~[and]~~ or audio format which may be used within the state curriculum framework for courses of study by students in public schools[;].~~

~~(b) “Instructional materials” [including] include:~~

~~(i) textbooks[;];~~

~~(ii) workbooks[;];~~

~~(iii) computer software[;];~~

~~(iv) online or internet courses[;];~~

~~(v) CDs or DVDs[;]; and~~

~~(vi) multiple forms of communication media.~~

~~(c) [Such] “Instructional materials” may be used by students or teachers or both as principal sources of study to cover any portion of ~~[the]~~ a course.~~

~~(d) [These] “Instructional materials”:~~

~~(~~[1]~~i) ~~[shall be]~~ are designed for student use; ~~[and]~~~~

([2]ii) may be accompanied by or contain teaching guides and study helps;  
([3]iii) shall include all textbooks, workbooks, ~~[and]~~ student materials, ~~[and]~~ supplements, and online and digital materials necessary for a student to fully participate in coursework; and

([4]iv) shall be high quality, research-based ~~[and proven to be effective in]~~ materials for supporting student learning.

[H.](6) “Independent party” means an entity that is not part of or related to:

(a) the Board[;];

(b) [not the superintendent of public instruction or USOE] Board staff[;]; [or]

(c) an employee or governing board member of [a school district] an LEA[;]; [or]

(d) the [instructional materials] creator or publisher of instructional materials under review[;]; or

(e) anyone with a financial interest [in the instructional materials], however minimal, in instructional materials under review.

(7) “Instructional Materials Commission” or “Commission” means the commission appointed by the Board in accordance with Section 53A-14-101.

[I.](8) “Integrated instructional program” means any combination of instructional materials for students, including:

(a) textbooks[;];

(b) workbooks[;];

(c) software[;];

(d) videos[; transparencies;];

(e) electronic devices[;]; or

(f) similar resources [used for classroom instruction of students].

[J.](9) “Instructional materials provider” means a publisher or author and self-publisher who sells or provides instructional materials for use in Utah public schools.

~~[K. “International Baccalaureate” means college level work, limited in subject areas, which balances humanities and sciences in an interdisciplinary, global academic program that is both philosophical and practical. This multi-cultural experience emphasizes analytical and conceptual skills and aesthetic understanding for advanced students.]~~

(10) “LEA” includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(11) “Mapping” means creating a visual representation listing topics in instructional materials in correlation to the standards of the Utah core.

~~[L.](12) “National Instructional Materials Access Center” or [{}“NIMAC[{}]” [is a central national repository established at the American Printing House for the Blind (APH) to store and to maintain NIMAS file sets. It features an automated system for allowing publishers to deposit NIMAS-conformant files within the repository. Files are checked at the Utah State Instructional Materials Access Center (USIMAC), as defined in R277-469-1S, to confirm that they are valid NIMAS-conformant files and then cataloged in a web-based database. Those who have been authorized for access have user identifications and passwords. These authorized users may search the NIMAC database and directly download the file(s) they need to convert into accessible instructional materials for those students who are in elementary and secondary schools and have qualifying disabilities.]~~  
means the same as that term is defined in Subsection R277-800-2(14).

~~[M.](13) “National Instructional Materials Accessibility Standard” or [{}“NIMAS[{}]” [is a technical standard used by publishers to produce consistent and valid XML-based source files that may be used to develop multiple specialized formats, such as Braille, large print, digital, or audio books, for students with print disabilities.]~~  
means the same as that term is defined in Subsection R277-800-2(15).

~~[N. “Not recommended materials” means instructional materials which have been reviewed by the Commission but not recommended.]~~

(14) “Not sampled” means instructional materials that were included in a publisher bid for evaluation by the Instructional Materials Commission, but which were not sampled to the Superintendent or the Commission.

~~[O.](15) “Primary instructional material” means a comprehensive basal or Core textbook or integrated instructional program for which a publisher seeks a recommendation for Core subjects designated in Sections R277-700-4[~~, 5, and 6~~] through R277-700-6.~~

~~[P. “Public website” means a website designated by the USOE provided by the publisher of instructional materials, free-of-charge, to teachers and the general public, to~~

~~exhibit alignment and mapping to the Core for Utah primary instructional materials.]~~

~~[Q.](16) “Recommended instructional materials” or “[RIMs]” means the recommended instructional materials searchable database provided as a free service by the [USOE] Board for the posting of evaluations and alignments to the Core of instructional materials submitted by publishers [and on the public website of the publisher, if applicable,] for review by the Commission and approval of the Board.~~

~~(17) “Recommended limited” means instructional materials that are in limited alignment with the Core requirements or are narrow or restricted in their scope and sequence.~~

~~(18) “Recommended primary” means instructional materials that:~~  
~~(a) are in alignment with content, philosophy, and instructional strategies of the Core;~~  
~~(b) have been mapped and aligned to the Core, consistent with Section 53A-14-107;~~  
~~(c) are appropriate for use by students as principal sources of study; and~~  
~~(d) support Core requirements.~~

~~(19) “Recommended student resource” means instructional materials aligned to the Core that are developmentally appropriate, but not intended to be the primary instructional resource, which may provided valuable content information for students.~~

~~(20) “Recommended teacher resource” means instructional materials that are appropriate as resource materials for use by teachers.~~

~~(21) “Reviewed, but not recommended” means instructional materials that an LEA is strongly cautioned against using because the materials:~~

~~(a) do not align with the Core;~~  
~~(b) are inaccurate in content;~~  
~~(c) include misleading connotations;~~  
~~(d) contain undesirable presentation; or~~  
~~(e) are in conflict with existing law or rule.~~

~~[R. “State Core Curriculum (Core)” means minimum academic standards provided through courses as established by the Board which shall be completed by all students K-12 as a requisite for graduation from Utah’s secondary schools. The Core is provided in~~

R277-700:]

[S:](22) “Utah State Instructional Materials Access Center” or “[{USIMAC}]” [is a center that receives NIMAS electronic file sets and produces them in the accessible alternate format required by students with print disabilities] means the same as that term is defined in Subsection R277-800-2(21).

~~[T. “USOE” means the Utah State Office of Education.]~~

### **R277-469-3. Use of State Funds for Instructional Materials.**

~~[A. School districts may use funds:]~~

(1) An LEA may use state funds for any primary supplemental or supportive instructional materials that support Core requirements.

(2) An LEA may select and approve [for] instructional materials ~~[selected and approved by a school or school district]~~ consistent with:

(a) the standards of this [rule] R277-469; ~~[and:]~~

(~~[a]~~b) ~~[consistent with]~~ established local board procedures and timelines; ~~[and]~~

(~~[b]~~c) ~~[consistent with]~~ Subsection 53A-13-101(1)(c)(iii); ~~[or]~~ and

(~~[c]~~d) ~~[consistent with]~~ Subsection 53A-14-102(4).

~~[B:]~~(3) A [S]school[s] or school district[s] that uses any funding source to purchase materials that have not been recommended or selected consistent with state law, may have funds withheld to the extent of the actual costs of those materials pursuant to Subsection 53A-1-401(~~[3]~~)(8)(a)(ii).

~~[C. Free instructional materials:]~~

(~~[1]~~3)(a) An LEA may use free instructional materials that are used as primary instructional materials or that are part of primary integrated instructional programs ~~[shall be]~~ subject to the same independent party evaluation and Core mapping as basal or Core material~~[-or]~~.

(~~[2]~~b) ~~[if]~~ If an LEA receives free materials [are provided] as part of a supplemental program, the[y] LEA may ~~[be]~~ use[d] the materials as student instructional materials only consistent with the law and this ~~[rule; and]~~ R277-469.

~~[3] shall be reviewed and recommended by the Commission or by a school in a~~

~~public meeting consistent with Section 53A-14-102(4), prior to their use.~~

~~—— D. Charter schools are exempt from Section 53A-14-107. Despite this exemption and consistent 34 CFR 300.172(c), hereby incorporated by reference, all public schools subject to a state education agency that contracts with NIMAC require publishers with whom the public schools under the control of the state education agency contract to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instruction materials using the NIMAS or purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.]~~

(4) An LEA shall include a requirement in all publisher contracts for instructional materials that the publisher shall:

(a) prepare and provide electronic files of all instructional materials in the NIMAS format to NIMAC on or before delivery of print instructional materials; or

(b) provide instructional materials that are produced in, or may be rendered in, specialized formats.

~~[E. Notice to publishers]~~

~~[(1)5](a) [All traditional and charter public schools shall be responsible for notifying] An LEA shall provide timely notice to all publishers with whom the [y] LEA contracts for instructional materials [beginning October 1, 2008] that all materials shall be provided consistent with [R277-469-3D] Subsection (4).~~

~~[(2)b] [Traditional and charter schools] An LEA's notice shall include a copy of this R277-469[, drawing publishers' attention to this provision of the rule, with the notice to publishers from whom the schools purchase materials.~~

~~—— (3) Schools shall provide publishers with timely notice of this requirement].~~

#### **R277-469-4. Instructional Materials Commission Members Terms of Service.**

~~[A.](1) [Members shall be appointed from categories designated in] The Board shall appoint members of the Instructional Materials Commission in accordance with Section 53A-14-101.~~

~~[B.](2)(a) A [M]member[s] appointed in accordance with Subsection (1) [of the~~

208 ~~Commission~~] shall serve four year terms, staggered to ensure continuity in the efficient  
209 operation of the Commission.

210 (b) ~~A~~ [M]member[s] may apply for reappointment ~~[for]~~ to one additional term.

211 ~~[C-]~~(3) The Commission may establish subcommittees as needed.

212 **R277-469-5. Commission Review of Materials.**

213 ~~[A-]~~(1) The Instructional Materials Commission shall primarily ~~[The primary]~~ focus  
214 ~~[of instructional materials]~~ on reviewing ~~[shall be]~~ materials used in subjects aligned with  
215 Core requirements to include reading, language arts, mathematics through geometry,  
216 science, in grades 4 through 12, and effectiveness of written expression, and other Core  
217 subject areas as assigned by the Board.

218 ~~[B-]~~(2) The Commission shall determine ~~[S]~~subject areas and timelines for review  
219 ~~[shall be determined by the Commission]~~ based on school district and charter school needs  
220 and requests, ~~[and]~~ using forms and procedures provided by the ~~[USOE]~~ Superintendent.

221 ~~[C- Commission review of material takes place at least annually.]~~

222 (3) The Commission shall meet to review materials at least semi-annually.

223 **~~[R277-469-6. Review and Adoption Categories.~~**

224 ~~Materials may be considered for review by the Commission and designated under~~  
225 ~~the following categories. They may be purchased with state funds and used consistent~~  
226 ~~with this rule.]~~

227 (4) Following its evaluation of a submitted item, the Commission ~~[may]~~shall  
228 recommend that the Board classify materials in one of the following categories:

229 (a) Recommended primary;

230 (b) Recommended limited;

231 (c) Recommended teacher resource;

232 (d) Recommended student resource;

233 (e) Reviewed, but not recommended; or

234 (f) Not sampled.

235 ~~[A- Recommended Primary: Instructional materials that:~~

236 ~~(1) are in alignment with content, philosophy and instructional strategies of the~~



~~Core;~~  
~~—— (2) have been mapped and aligned to the Core, consistent with Section 53A-14-107~~  
~~after the 2012-2013 school year;~~  
~~—— (2) are appropriate for use by students as principal sources of study;~~  
~~—— (3) provide comprehensive coverage of course content; and~~  
~~—— (4) support Core requirements.~~  
~~—— B. Recommended Limited: Instructional materials that are in limited alignment with~~  
~~the Core requirements or are narrow or restricted in their scope and sequence. If school~~  
~~districts or schools select and purchase materials designated under this category, it is~~  
~~recommended that they have a plan for using appropriate supplementary materials~~  
~~assuring coverage of Core requirements.~~  
~~—— C. Recommended Teacher Resource: Instructional materials that are appropriate~~  
~~as resource materials for use by teachers.~~  
~~—— D. Recommended Student Resource: Instructional materials aligned to the Core~~  
~~that are developmentally appropriate, but not intended to be the primary instructional~~  
~~resource. These materials may provide valuable content information for students.~~  
~~—— E. Reviewed, but not Recommended: Instructional materials that may not be~~  
~~aligned with the Core, may be inaccurate in content, include misleading connotations,~~  
~~contain undesirable presentation, or are in conflict with existing law and rules. School~~  
~~districts are strongly cautioned against using these materials.~~  
~~—— F. Not Sampled: Instructional materials that were included in the publisher bid but~~  
~~were not sampled to the USOE or the Commission.]~~

**R277-469-[7]6. Criteria for Recommendation of Instructional Materials Following  
Mid-Party Evaluation of Core Curriculum.**

~~[A. Instructional materials shall:]~~  
(1) The Instructional Materials Commission and the Board, in reviewing whether to  
recommend instructional materials, may consider whether the instructional materials:  
[(1)a] [be] are consistent with Core requirements [or both];  
[(2)b] [if used as primary materials, be] are mapped and aligned to the Core

~~[consistent with Section 53A-14-107]~~ and state adopted assessments ~~[as applicable for the~~  
2012-2013 school year] if planned for use as primary materials;

(~~[3]~~c) ~~[be]~~ are high quality, research-based, and proven to be effective in supporting student learning;

(~~[4]~~d) provide an objective and balanced viewpoint on issues;

(~~[5]~~e) include enrichment and extension possibilities;

(~~[6]~~f) ~~[be]~~ are appropriate to varying levels of learning;

(~~[7]~~g) ~~[be]~~ are accurate and factual;

(~~[8]~~h) ~~[be]~~ are arranged chronologically or systematically, or both;

(~~[9]~~i) reflect the pluralistic character and culture of the American people and provide accurate representation of diverse ethnic groups;

(~~[10]~~j) ~~[be]~~ are free from sexual, ethnic, age, gender or disability bias and stereotyping; and

(~~[11]~~k) ~~[be]~~ are of acceptable technical quality.

~~[B-](2) A [P]ublisher[s], when submitting new primary material to be evaluated by the [USOE] Superintendent, shall submit an electronic version of that material in NIMAS file format [of that material] to [the National Instructional Materials Access Center {NIMAC}] for use in conversion into Braille, large print, and other formats for students with print disabilities.~~

~~[C. USOE review:]~~

(~~[1]~~3) The [USOE] Superintendent may require an ~~[school district]~~ LEA to provide a report of instructional materials purchased by the ~~[school district]~~ LEA or a school in the previous five years.

(~~[2]~~4) The [USOE] Superintendent may initiate a formal or informal audit of instructional materials purchased to determine purchase or use of instructional materials consistent with the law or this rule.

## **R277-469-[8]7. Agreements and Procedures for [School Districts] LEAs.**

~~[A-](1) A local board shall establish a policy for [school district and school] selection and purchase of instructional materials.~~

[B-](2) As part of any materials adoption process or procurement contract for the purpose of purchasing instructional materials, an LEA shall provide instructional materials to all students, including blind students and other students with disabilities, in a timely manner.

([4]a) A publisher may provide materials in electronic files to NIMAC to make materials available to eligible students.

([2]b) An LEA[s] shall include NIMAS contract language in all contracts with publishers for Core materials.

([3]c) An LEA[s] may purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats for eligible students.

~~[C-](3) An LEA shall require a [The] detailed Core curriculum alignment [shall be required] prior to the purchase of primary instructional materials [by public schools and school districts purchased for the 2012-2013 school year].~~

**R277-469-[9]8. Qualifications for Core Curriculum Alignment Independent Parties.**

~~[Independent parties required to meet mapping and alignment requirements for the 2012-2013 school year shall use reviewer(s)/employee(s) who meet the following minimum requirements:]~~

(1) A primary instructional materials provider shall contract with an independent party in accordance with Subsection 53A-14-107(1)(a).

(2) An independent party may only employ or contract with a reviewer who has ~~[(4) have]~~ a degree or an endorsement specific to the subject area of the primary instructional materials. ~~[For example, a reviewer who is aligning an American literature text shall have an English endorsement or degree; a reviewer who is mapping a calculus text shall have a mathematics endorsement or a related mathematics degree. The USOE shall make available to independent parties a list of acceptable endorsements or degrees that shall be current and valid for appropriate review of materials; and~~

~~———(2) shall post documentation of credentials and endorsements on a public website designated by the USOE as required under Section 53A-14-107(3)(b).]~~

(3) A publisher shall provide proof of an independent party's credentials to the

325 Superintendent upon request.

326 **R277-469-[10]9. Detailed Summary Requirements.**

327 ~~[Independent parties required to meet mapping and alignment requirements for the~~  
328 ~~2012-2013 school year shall provide to the publisher a detailed summary of the evaluation.~~

329 ~~The summary shall:~~

330 ~~—— A. be provided on a public website required under Section 53A-14-107(3)(b)~~  
331 ~~designated by the USOE;]~~

332 (1) An independent party shall submit a summary required under Subsection 53A-  
333 14-107(1)(b) in a searchable, software database format designated by the Superintendent.

334 ~~[B. submit the summary in the alignment template provided by the USOE;~~

335 ~~—— C. submit the summary in a searchable, software database format designated by~~  
336 ~~the USOE;]~~

337 ~~[D.](2) A summary required under Subsection 53A-14-107(1)(b) shall:~~

338 (a) include detailed alignment information that includes, at a minimum:

339 ([1]i) the title of the material;

340 ([2]ii) the ISBN number;

341 ([3]iii) the publisher's name;

342 ([4]iv) the name~~[f]~~ and grade of the Core document used to align the material;

343 ([5]v) the overall percentage of coverage of the Core;

344 ([6]vi) the overall percentage of coverage in ancillary resources of the material to the  
345 Core;

346 ([7]vii) the percentage of coverage of the Core in the material for each standard,  
347 objective and indicator in the Core with corresponding page numbers;

348 ([8]viii) percentage of coverage of the Core not covered in the material but covered  
349 in the ancillary resources for each standard;and

350 ([9]ix) objective and indicator in the Core with corresponding page numbers or  
351 URLs; and

352 ~~[E.](b) provide the detailed alignment information listed in [R277-469-10D(4)]~~  
353 Subsection (a)(iv) for the student text for all editions of the text that are used in Utah public

schools;

[F.](c) provide the detailed alignment information listed in [R277-464-10D(4)]  
Subsection (a)(iv) for a teacher edition of text, if a teacher edition is used in Utah public  
schools; and

~~[G. designate at the conclusion of the alignment document, the reviewer's evaluation  
of the material's alignment to the Core curriculum on a scale of 1-10, with 10 indicating the  
closest alignment to the Utah Core curriculum; and]~~

[H.](d) provide an assurance, including a personal ~~[(electronic is adequate)]~~  
signature, that the work was completed personally and as required by the licensed and  
endorsed reviewer.

**R277-469-1[4]0. Agreements and Procedures for ~~[Publishing Companies]~~ Publishers.**

~~[A.](1)[Beginning with the 2012-2013 school year, publishing companies]~~ A publisher  
desiring to sell primary instructional materials to Utah school districts ~~[and schools]~~ shall  
comply with the requirements of Section 53A-14-107 and this R277-469.[:

~~—— (1) contract with an independent party who meets the requirements in R277-469-9  
to align and map the primary instructional material and related ancillary materials to the  
appropriate Utah Core with the following provisions:~~

~~—— (a) the publisher provides a detailed summary of the Core alignment and mapping  
as described in R277-469-10 at no charge; and~~

~~—— (b) the publisher pays the costs associated with the requirements of Section 53A-14-  
107.~~

~~—— (2) The requirements under R277-469-9-A(1) shall only be performed by entities  
consistent with Section 53A-14-107(2).]~~

[B.](2)(a) A [Publishers] publisher seeking to sell recommended materials to Utah  
schools or school districts shall have ~~[a classroom set of at least 30]~~ 10 ~~[all]~~ books and  
tangible adopted materials or such [greater] other amount as required by a depository  
based on anticipated need on deposit within the state at an instructional materials  
depository in the business of selling instructional materials to schools or school districts in  
Utah.

(b) A publisher shall submit verification of compliance with Subsection (2)(a) to the Superintendent through the publisher's contracted depository prior to the Superintendent posting a review of the materials on RIMs.

~~[C:]~~(3) A publisher may make a [D]depository agreement[s] [may be made between publishers of materials and] with one or more depository.

~~[D:]~~(4) Notwithstanding [F]the provisions of [R277-469-11 shall not preclude publishers from] Subsection (2), a publisher may sell[ing] instructional materials to schools or school districts in Utah directly or through means other than [the] a designated depository.

(5) A publisher need not store [D]digital and online resources [do not require storage in a depository] within the state, but shall guarantee timely resource availability of a placed order and shall [be] provide[d] digital and online resource orders without shipping charges.

~~[E. Comparable materials shall be prepared for students with disabilities in a timely manner.~~

~~—— F. Recommended materials with revisions:]~~

([4]6) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

(a) the original contract price and contract date do not change and the original contract price applies for the substituted materials;

(b) the revised edition is compatible with the earlier edition, permitting use of either or both in the same classroom;

(c) a sample copy of the revised edition is provided to the ~~[USOE Instructional Materials Specialist]~~ Superintendent for examination purposes; and

(d) the publisher submits a revised electronic edition in NIMAS file format to the ~~[National Instructional Materials Access Center (NIMAC)]~~ if the ~~[USOE]~~ Superintendent approves the substitution request~~[-and]~~.

([2]7) The Commission shall make the final determination about the substitution of a new edition for a previously recommended edition with assistance from the ~~[state subject area specialist]~~ Superintendent.

[G.](8) A publisher's contract price for materials recommended by the Commission and the Board shall apply for five years from the contract date.

**R277-469-1[2]1. Request for Reconsideration of Recommendation.**

~~[A. A request for reconsideration is an additional opportunity provided to a school district, school or publisher for review of instructional materials when the school district, school or the publisher disagrees with the initial Commission recommendation.~~

~~——— B. The request for reconsideration procedure is as follows:]~~

(1) The Superintendent shall provide [A] a school district, school or publisher [shall receive] with the evaluations and recommendations resulting from the [USOE of the] initial review of the Commission.

(2) A school district, school or publisher ~~[shall have 30 days to respond to the evaluation and]~~ may, within 30 days of the Commission's initial recommendation, request to have materials reviewed again during the Commission's next review cycle.

(3)(a) During the period of the reconsideration request, the Superintendent shall classify materials [shall be marked as tentative and shall not be given official status] only tentatively.

(b) ~~[These]~~ The Superintendent shall not post tentatively classified materials [shall not be posted] to [the Internet site] RIMs until recommended through the official Commission process.

(4) A school district, school or publisher may be asked to send a second set of sample materials to the ~~[USOE]~~ Superintendent as part of a reconsideration request.

(5) Any written information provided by a school district, school or publisher shall be available to the advisory committees during the second review.

(6) After the second review by the subject area advisory committee, the Commission shall vote on the advisory committee's recommendation [shall be voted on by the Commission] at the next scheduled meeting.

(7) If the Commission votes to change the recommendation, the Superintendent shall notify the Board [shall be notified] of the action at the next scheduled Board meeting.

(8) The Superintendent shall send [A] a school district, school or publisher [shall

442 receive] written notification of the final recommendation and [~~shall receive a copy of the~~]  
443 new evaluation. [~~Evaluations may appear on the Internet if materials are recommended.~~]  
444 (9) If the Commission and Board approve materials following a request for  
445 reconsideration, the Superintendent shall post the evaluation to RIMs.

446 **KEY: instructional materials**

447 **Date of Enactment or Last Substantive Amendment: [~~June 7, 2013~~]2018**

448 **Notice of Continuation: [~~April 8, 2013~~]2017**

449 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-14-101; 53A-14-**  
450 **107; 53A-1-401[~~(3)~~]**